



PATENT
ATTORNEY DOCKET NO.: 056921-5137

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

DAVIS et al.

Application No.: 09/869,925

Filed: July 9, 2001

FOR: COLCHINOL DERIVATIVES AS
VASCULAR DAMAGING AGENTS

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) Group Art Unit: 1653
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) Examiner: Lukton, David
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Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Date: September 8, 2003

Sir:

RESPONSE TO RESTRICTION REQUIREMENT
AND PRELIMINARY AMENDMENT

This is in response to the one month Action dated July 7, 2003, the time for responding to which has been extended to and including September 8, 2003 (September 7 being a Sunday), by the petition and authorization for fee payment submitted herewith.

In response to the Restriction Requirement set forth therein, applicants hereby elect the invention Group 1, claims 2, 4-9 and 14, limited to "G1" wherein substituent variable "X" is $-CH(R^7)$. Elected claim 2 has been amended below to limit the variable "X" to " $-CH(R^7)$ " in accordance with the election. Compound claims 10, 11 and 12 (Group 3) have been left pending as being limited to claim 2, which is amended to the elected invention. Claims 10, 11 and 12 will be further amended, if necessary, to remove any listed compounds that are not consistent with the amended scope of claim 2. Process-for-making claim 13 has been left pending, inasmuch as its dependency on claim 2

necessarily brings it within the scope of the elected invention. It is understood that claim 13 will be rejoined for further examination upon allowance of claim 2. Similarly, method of treatment claims 15 has been left pending, inasmuch as its dependency on claim 2 necessarily brings it within the scope of the elected invention. It is understood that claim 15 will be rejoined for further examination upon allowance of claim 2.

Pursuant to the Examiner's request for an election of species, applicants elect the species of compound claim 12, that is, the compound:

*(2S)-N-[(5S)-5-(acetylamino)-9,10,11-trimethoxy-6,7-dihydro-5H-dibenzo[*a,c*]-cyclohepten-3-yl]-2-amino-5-[(2-nitroethanimidoyl)amino]pentanamide.*

Prior to taking up this application for a first Action on the merits, please amend the claims to read as follows: